THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13402 of 2007

DATED 03.09.2007

Between:
Y.Subrahmanyam Reddy. .... PETITIONER

versus

The Assistant Director, Mines and
Geology, Chittoor, Chittoor
District and two others. .... RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13402 of 2007

ORDER:

Heard Sri G.Madhusudhan Reddy representing Sri A.Sudarshan Reddy, learned counsel representing the petitioner and the learned Government Pleader for Mines and Geology and Sri Chandraiah Naidu, learned counsel representing 3rd respondent.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent authorities in not initiating appropriate action for stopping the illegal quarrying operations being conducted by the 3rd respondent in S.Nos.458, 463/1 and 463/2 of Thiruchanur village, Tirupati (Rural) Mandal, Chittoor District as arbitrary, illegal and violative of the Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondent authorities to stop the 3rd respondent from conducting illegal quarrying operations in S.Nos. 458, 463/1 and 463/2 of Thiruchanur village, Tirupati (Rural) Mandal, Chittoor District and pass such other suitable orders.

3. Several facts had been narrated in the affidavit filed in support of

the Writ Petition and the main grievance of the petitioner is that in spite of repeated representations being made by him, respondents 1 and 2 had not taken any action and the 3rd respondent is continuing with the illegal quarrying operations.

4. The learned Government Pleader for Mines and Geology submitted before this Court that the 3rd respondent is not carrying any of the quarrying operations as specified in the affidavit filed in support of the Writ Petition.

5. The 3rd respondent filed counter affidavit denying the allegations. It was specifically submitted in paragraph 4 that the contention of the petitioner submitted several representations to the respondent authorities bringing to their notice that 3rd respondent is continuing illegal sand quarrying operations, due to which the land of the petitioner is also being put to waste as the water level in the petitioner's land is being lost are false. It is also stated that the further allegation that due to illegal mining activity, the water level had depleted completely and the agricultural operations of the petitioner are being affected drastically and this respondent resorting to this attitude not only to make money but also at the behest of rivals of the petitioner are all false and incorrect. Specific stand had been taken that this respondent is not carrying any quarrying operations in S.Nos.458, 463/2 and 463/1 of Thiruchanuru village, Tirupati Mandal, and hence the question of stopping the 3rd respondent from carrying on the quarrying operations would not arise. Further averments were made in paragraphs 5 and 6 of the counter affidavit as well.

6. In the light of the specific stand taken by the 3rd respondent that he is not carrying on any quarrying operations at all in the subject matter of the Writ Petition, the question of respondents 1 and 2 taking

further action would not arise. The specific stand taken by 3rd respondent and also the submission made by the learned Government Pleader for Mines and Geology are hereby recorded.

7. Since no further orders need be passed, the Writ Petition is hereby closed. There shall be no order as to costs.

03.09.2007

SSR